IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3847 of 2007(A)

CRIME NO. 137/2007 of VELLIKULANGARA POLICE STATION
.....

PETITIONER/ACCUSED NO.2

KUNALAN, AGED 29,
S/O MOOSA, ULPPADEN HOUSE, VELLIKULANGARA VILLAGE,
CHOKKANA DESOM, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3847 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for regular bail. Petitioner is the accused and faces allegation under Section 20(b)(ii) of N.D.P.S.Act. He was allegedly found in possession of 10.6.K.gms of ganja, on 2.6.2007, at about 7.20 pm in a motorcycle, which the co-accused was riding. When the police intercepted, the co-accused ran away and the petitioner was allegedly taken into custody. He continues in custody from 2.6.2007. The investigation is in progress.

2. Learned counsel for the petitioner submits that the petitioner is absolutely innocent. Both persons who were riding the motor bike ran away and a strange pedestrian/the petitioner herein was unnecessarily taken into custody. This, in short, is the contention.

3. The learned Public Prosecutor vehemently opposes the application. Sufficient materials have been collected against the petitioner. The petitioner is not, at any rate, entitled to enlarge on bail at this early stage of investigation, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, and having taken note of the nature and credibility of the allegations, I am satisfied that this is not a fit case where the petitioner can be enlarged on bail at this stage. In a serious crime like this, Police would certainly entitled for a reasonable further time to complete the investigation. Co-accused has not been arrested so far.

5. In these circumstances, this application is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move before this Court for bail again at a later stage of investigation- not, at any rate, prior to 11.7.07. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj